

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bryce A. Jones

Confirmation No.: 1039

Application No.: 09/477,991

Group No.: 2457

Filed: January 5, 2000

Examiner: Barbara N. Burgess

For: METHOD AND APPARATUS FOR PROCESSING WEB CALLS IN A WEB
CALL CENTER

**Mailstop: Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

APPEAL BRIEF

Introductory Comments

Pursuant to the provisions of 37 C.F.R. § 41.30 *et seq.*, the Appellant hereby appeals to the Board of Patent Appeals and Interferences (hereinafter “the Board”) from the claim rejections issued in the final Office action dated 08/17/2011 (hereinafter “the final Office Action”). A Notice of Appeal was filed on 11/17/2011, in conjunction with a Pre-Appeal Brief Request for Review. A Notice of Panel Decision from Pre-Appeal Brief Review was sent on 01/04/2012.

Real Party In Interest

The real party in interest is the Assignee of the present application, Sprint Communications Company L.P.

Related Appeals and Interferences

There are no prior or pending related appeals or interferences.

Status of Claims

Claims 166-185 are pending in the application.

Claims 166-185 have been finally rejected.

Claims 166-185 are being appealed.

Claims 1-165 have been canceled.

Status of Amendments

No claim amendments have been filed subsequent to the final Office action.

Summary of Claimed Subject Matter

Independent claim 166 provides a method of operating a call server 110 for routing voice calls to a plurality of call center resources 120 in a call center 106 (see, generally, Abstract). The method comprises receiving a voice call originating from a user device 102 including a cookie and processing the cookie from the user device to select a first call center resource (see p. 7, ll. 1-5). The method further comprises generating a routing instruction indicating a first route for the voice call originating from the user device 102 to the first call center resource 120 (see p. 7, l. 28 – p. 8, l. 2). The method further comprises transferring the routing instruction to be used when routing the voice call from the user device to the first call center resource over which voice communications will be exchanged (see id.).

Independent claim 176 provides a communication system for routing voice calls (see, generally, Abstract). The system comprises a plurality of call center resources 120 for handling the voice calls (see p. 5, ll. 21-23). The system further comprises a call center server configured to receive a voice call originating from a user device and including a cookie and process the cookie from the user device to select a first call center resource (see p. 7, ll. 1-5). The server is further configured to generate a routing instruction indicating a route for the voice call from the user device to the first call center resource and transfer the routing instruction to be used when routing the voice call from the user device to the first call center over which voice communications will be exchanged (see p. 7, l. 28 – p. 8, l. 2).

Grounds of Rejection to Be Reviewed on Appeal

1. Whether claims 166-167, 169-172, 176-177, and 179-182 are unpatentable under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,687,241 to Goss.
2. Whether claims 168 and 178 are unpatentable under 35 U.S.C. § 103(a) over Goss in view of U.S. Patent No. 6,836,476 to Dunn.
3. Whether claims 175 and 185 are unpatentable under 35 U.S.C. § 103(a) over Goss in view of U.S. Patent No. 7,536,002 to Ma.
4. Whether claims 173 and 183 are unpatentable under 35 U.S.C. § 103(a) over Goss in view of U.S. Patent Application Publication No. 2002/0021693 to Bruno.
5. Whether claims 174 and 184 are unpatentable under 35 U.S.C. § 103(a) over Goss in view of U.S. Patent No. 6,826,194 to Vered.

Argument

Outline

- I. Rejection of Claims 166-167, 169-172, 176-177, and 179-182 Under 35 U.S.C. § 102(e)
- II. Rejection of Claims 168 and 178 Under 35 U.S.C. § 103(a)
- III. Rejection of Claims 175 and 185 Under 35 U.S.C. § 103(a)
- IV. Rejection of Claims 173 and 183 Under 35 U.S.C. § 103(a)
- V. Rejection of Claims 174 and 184 Under 35 U.S.C. § 103(a)

I. Rejection of Claims 166-167, 169-172, 176-177, and 179-182 Under 35 U.S.C. § 102(e)

Claims 166-167, 169-172, 176-177, and 179-182 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,687,241 to Goss. The Appellant disagrees for the reasons presented below.

Goss fails to teach that a cookie included in a voice call *originating* from a user device is processed to route the voice call from the user device to a first call center resource, as is taught by claim 166.

Rather, Goss teaches that a web server maintains a session with a customer web browser over the Internet using cookies or other session maintenance technology so that the web server can identify the customer for the purposes of matching a call-back request to a qualified agent and keeping track of the requesting customer (see final OA, p. 14; Goss col. 7, lines 62-67). Even if the call-back request includes a cookie, once the cookie is used to match the request to an agent, the agent then calls the customer back using any form of communication, such as by placing a standard telephone call to a number provided by the customer (see Goss, Abstract). The call-back request is not a voice call itself but, instead, is merely a request that is submitted through a web site (see Goss, Fig. 7) for a call to be placed back to the customer by the agent.

Therefore, the cookies in Goss are used in the process of requesting that a call *originating from the agent* (first call center resource) be placed to the customer (user device), and are not used to route a voice call *originating from a user device* to a first call center resource, as provided by claim 166.

Based on the foregoing remarks, Goss fails to teach that a cookie included in a voice call *originating* from a user device is processed to route the voice call from the user device to a first call center resource, as recited by claim 166. Claim 166 is therefore allowable in view of the cited reference, and such indication is respectfully requested.

Independent claim 176 contains limitations similar to those of claim 166, and is therefore allowable over the art of record for at least the same reasons as claim 166.

Claim 167, similar to claim 166, recites generating a second routing instruction indicating a second route for the voice call *originating* from the user device to the second call center resource. Goss does not teach these limitations.

Instead, as stated in the arguments above, any voice call made in Goss is placed from an agent to a customer in response to the customer requesting a call via a web site (see Goss, Abstract). Therefore, even if Goss teaches transferring the call to a different agent as asserted by the final Office action (see final OA, p.16), the transferred call still originated from the original agent and not from the user device, as provided by claim 1.

Based on the foregoing comments, the Applicant contends that claim 167 is allowable in view of the cited reference, and such indication is respectfully requested.

Dependent claim 177 contains limitations similar to those of claim 167, and is therefore allowable over the art of record for at least the same reasons as claim 167.

The remaining dependent claims, while separately allowable over the art of record, depend from otherwise allowable independent claims. Therefore, the Applicant refrains from a discussion of the remaining claims for the sake of brevity.

II. Rejection of Claims 168 and 178 Under 35 U.S.C. § 103(a)

Claims 168 and 178 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goss in view of U.S. Patent No. 6,836,476 to Dunn. The Appellant disagrees for the reasons presented below.

Claim 168 requires that the voice call comprise a Get Document request in Hyper Text Transfer Protocol (HTTP). The final Office action admits that Goss fails to teach these limitations (Office action, p. 8, third paragraph). Dunn is provided as teaching these aspects.

However, the final Office action misinterprets the limitations of claim 168. Specifically, the Applicant respectfully points out that, as is well known in the art, a Get request is a specific type of request that is *explicitly included in the parameters of HTTP*. Further examples of requests in HTTP include Head, Post, Delete, and Put, among others. Accordingly, claim 168 provides that the voice call is a Get Document request in HTTP.

In contrast, as acknowledged by the final OA, Dunn merely discloses using VoIP to request service from a drug store, including ordering a prescription and getting directions (see final OA, p. 16). In other words, a customer's voice is used to request something from a drug store over a VoIP connection. The customer's voice is not a

protocol level request much less a Get Document request of HTTP, as is taught by claim 168. Therefore, the final Office action's assertion that Dunn overcomes the deficiencies of Goss regarding the limitations of claim 168 is incorrect.

Based on the foregoing remarks, the Applicant contends that claim 168 is allowable in view of the cited references, and such indication is respectfully requested.

Dependent claim 178 contains limitations similar to those of claim 168, and is therefore allowable over the art of record for at least the same reasons as claim 168.

III. Rejection of Claims 175 and 185 Under 35 U.S.C. § 103(a)

Claims 175 and 185 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goss in view of U.S. Patent No. 7,536,002 to Ma. The Appellant disagrees for the reasons presented below.

The final Office action acknowledges that Goss fails to teach the limitations of claim 175 and 185. However, the subject matter of the Ma reference that the final Office action provides as teaching these limitations *does not qualify as prior art*.

In particular, Ma is a continuation in part of U.S. Patent No. 6,714,642, filed on November 4, 2002, which is a continuation of U.S. Patent No. 6,553,113, filed on July 9, 1999. While the '113 reference has a priority date before the filing date of the present application, the '113 reference does not include any teaching about the use of cookies. Therefore, since the subject matter of Ma teaching the use of cookies is not in the '113 reference, that subject matter does not qualify as prior art over claims 175 and 176.

Accordingly, the Appellant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 175 and 185.

IV. Rejection of Claims 173 and 183 Under 35 U.S.C. § 103(a)

Claims 173 and 183 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goss in view of U.S. Patent Application Publication No. 2002/0021693 to Bruno. The Appellant disagrees for the reasons presented below.

Claims 173 and 183, while separately allowable over the art of record, depend from otherwise allowable independent claims 166 and 176. The Appellant refrains from further discussion of these dependent claims for the sake of brevity.

Therefore, the Appellant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 173 and 183.

V. Rejection of Claims 174 and 184 Under 35 U.S.C. § 103(a)

Claims 173 and 183 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goss in view of U.S. Patent No. 6,826,194 to Vered. The Appellant disagrees for the reasons presented below.

Claims 174 and 184, while separately allowable over the art of record, depend from otherwise allowable independent claims 166 and 176. The Appellant refrains from further discussion of these dependent claims for the sake of brevity.

Therefore, the Appellant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 174 and 184.

Conclusion

In light of the foregoing remarks, the Appellant submits that the final rejection of claims 166-185 is erroneous, and respectfully requests its reversal.

Included herewith is the appropriate fee for a one-month extension of time under 37 C.F.R. § 1.136(a). The Office is hereby authorized to charge Deposit Account No. 21-0765 the requisite fee for this appeal brief (37 C.F.R. §§ 41.37(a)(2) and 41.20(b)(2)). The attendant notice of appeal and fee (37 C.F.R. §§ 41.61(a)(1) and 41.20(b)(1)) were filed previously in conjunction with a pre-appeal brief request for review filed 11/17/2011. The Appellant believes that no additional fees are due with respect to this filing. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

/Brian L. Arment/
SIGNATURE OF PRACTITIONER
Brian L. Arment, Reg. No. 64,134
Setter Roche LLP
Telephone: (720) 562-2280
E-mail: brian@setterroche.com

Correspondence address:

CUSTOMER NO. 28004

Attn: Melissa A. Jobe
Sprint
6391 Sprint Parkway
Mailstop: KSOPHT0101-Z2100
Overland Park, KS 66251-2100

Claims Appendix

The following is a list of claims involved in this appeal:

1-165. (CANCELLED)

166. (PREVIOUSLY PRESENTED) A method of operating a call server for routing voice calls to a plurality of call center resources in a call center the method comprising:
receiving a voice call originating from a user device including a cookie;
processing the cookie from the user device to select a first call center resource;
generating a routing instruction indicating a first route for the voice call originating from the user device to the first call center resource; and
transferring the routing instruction to be used when routing the voice call from the user device to the first call center resource over which voice communications will be exchanged.

167. (PREVIOUSLY PRESENTED) The method of claim 166, further comprising:
receiving a redirect instruction in the call server;
processing the redirect instruction to select a second call center resource;
generating a second routing instruction indicating a second route for the voice call originating from the user device to the second call center resource; and
transferring the second routing instruction to be used when routing the voice call from the user device to the second call center resource over which voice communications will be exchanged.

168. (PREVIOUSLY PRESENTED) The method of claim 166, wherein the voice call comprises a Get Document request in Hyper Text Transfer Protocol.

169. (PREVIOUSLY PRESENTED) The method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based upon caller entered information.

170. (PREVIOUSLY PRESENTED) The method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based upon a domain name or an Internet Protocol address.

171. (PREVIOUSLY PRESENTED) The method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based upon one or more of a day or a time of day.

172. (PREVIOUSLY PRESENTED) The method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based on a least busy agent.

173. (PREVIOUSLY PRESENTED) The method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based on a least congested route.

174. (PREVIOUSLY PRESENTED) The method of claim 166, wherein processing the cookie from the user device to select the first call center resource is further based on one or more of a class of service or a quality of service.

175. (PREVIOUSLY PRESENTED) The method of claim 166, further comprising processing the cookie to select a web service application.

176. (PREVIOUSLY PRESENTED) A communication system for routing voice calls, the communication system comprising:

- a plurality of call center resources for handling the voice calls; and
- a call center server configured to receive a voice call originating from a user device and including a cookie, process the cookie from the user device to select a first call center resource, generate a routing instruction indicating a route for the voice call from the user device to the first call center resource, and transfer the routing instruction to be used when routing the voice call from the user device to the first call center over which voice communications will be exchanged.

177. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein the call center server is further configured to receive a redirect instruction, process the redirect instruction to select a second call center resource, generate a second routing instruction indicating a second route for the voice call from the user device to the second call center resource, and transfer the second routing instruction to be used when routing the voice call from the user device to the second call center resource over which voice communications will be exchanged.

178. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein the voice call comprises a Get Document request in Hyper Text Transfer Protocol.

179. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based upon caller entered information.

180. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based upon a domain name or an Internet Protocol address.

181. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based upon one or more of a day or a time of day.

182. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based on a least busy agent.

183. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based on a least congested route.

184. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein processing the cookie from the user device to select the first call center resource is further based one or more of a class of service or a quality of service.

185. (PREVIOUSLY PRESENTED) The communication system of claim 176, wherein the call center is further configured to process the cookie to select a web service application.

Evidence Appendix

None

Related Proceedings Appendix

None